

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

a first-class letter sealed in an envelope addressed to
 "Yosvany Padilla-Conde," C/O Waukesha County
 Jail, P.O. Box 0217, Waukesha, WI 53188, presently
 in the possession of the Waukesha County Jail, See
 Attachment A

Case No. 18-MJ-1276

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

a first-class letter sealed in an envelope addressed to "Yosvany Padilla-Conde," C/O Waukesha County Jail, P.O. Box 0217, Waukesha, WI 53188, presently in the possession of the Waukesha County Jail, See Attachment A

located in the Eastern District of Wisconsin, there is now concealed:

to open said letter, search its contents, and seize it for evidentiary purposes relevant to the ongoing criminal investigation

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: Title 18, United States Code, Sections 373 (solicitation to commit a crime of violence); 1114 (attempt to kill a federal law enforcement officer on account of the performance of official duties) and 1513(e) (retaliation against a witness)

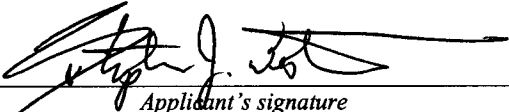
The application is based on these facts: See attached affidavit.

☒ Delayed notice of _____ days (give exact ending date if more than 30 days: 2/21/2019) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence:

Date: 7/11/18

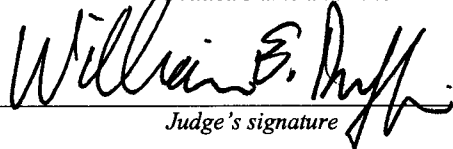
City and State: Milwaukee, Wisconsin



Applicant's signature

Stephen J. Westover, DHS-ICE Special Agent

Printed Name and Title



Judge's signature

William E. Duffin, U.S. Magistrate Judge
 Printed Name and Title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I, STEPHEN J. WESTOVER, being first duly sworn on oath, depose and state as follows:

I. BACKGROUND, TRAINING & EXPERIENCE

1. I am a Special Agent (SA) with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) – Homeland Security Investigations (HSI) and have been so employed since July 2007. My current duty station is the HSI Office of the Resident Agent in Charge (RAC) located in Milwaukee, Wisconsin, from which I have been assigned as a full-time Task Force Officer (TFO) to the Joint Terrorism Task Force (JTTF) at the Federal Bureau of Investigation (FBI), Milwaukee Division (MW) since February 2016. I was initially trained as a Criminal Investigator at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. As a federal law enforcement officer, I am authorized by the Secretary of Homeland Security to investigate violations of laws of the United States, to request the issuance of criminal complaints and search warrants, and to execute warrants issued under the authority of the United States.

2. In my duties, I am assigned to investigate alleged violations of federal laws, including violations of Title 18, United States Code, Sections 373 (solicitation to commit a crime of violence); 1114 (attempt to kill a federal law enforcement officer on account of the performance of official duties) and 1513(e) (retaliation against a witness).

3. This affidavit is based on my personal knowledge, observations, training, and experience as well as information obtained through my review of records maintained by U.S. government agencies and/or provided to me by other law enforcement agents and officers, including conversations with other law enforcement officers with whom I have personally spoken or communicated via email, all of which I believe to be truthful and reliable. Since this affidavit is submitted solely for the purpose of securing a

search warrant, I do not set forth all facts known to me concerning this investigation, instead limiting information contained herein to that sufficient to establish probable cause for the warrant being sought.

II. PROPERTY TO BE SEARCHED

4. This affidavit is made in support of an application for a warrant to search: a first-class letter sealed in an envelope addressed to “Yosvany Padilla-Conde,” C/O Waukesha County Jail, P.O. Box 0217, Waukesha, WI 53188—presently in the possession of the Waukesha County Jail Administrator. The envelope lists the sender as: “Jason M. Ludke, Bk#2017031075, Pod 4B-35, DOB 11-29-1980,” with the return address of the Milwaukee County Jail. The property to be searched is believed to contain evidence of violations of Title 18, United States Code, Sections 373 (solicitation to commit a crime of violence); 1114 (attempt to kill a federal law enforcement officer on account of the performance of official duties) and 1513(e) (retaliation against a witness). A scanned image of the front of the envelope is attached as Attachment A.

III. PROBABLE CAUSE

5. On November 8, 2016, Jason Michael LUDKE (AKA “Muhammad Naasir” and “Abuz Sayyaf”) and Yosvany PADILLA-Conde (AKA “Saadiq Ibn Abbas”) were indicted in the Eastern District of Wisconsin, following their arrest on October 5, 2016. The indictment alleges violations of Title 18, United States Code, Sections 2339B(a)(1) (providing material support or resources to designated foreign terrorist organizations) and 2. The indictment includes three counts, namely conspiring to (Count One), attempting to (Count Two), and aiding and abetting an attempt to (Count Three) provide material support and resources to the Islamic State of Iraq and the Levant (ISIL). LUDKE is charged in Counts One and Two of the indictment. PADILLA-Conde is charged in Counts One and Three of the indictment.

6. On June 5, 2017, the FBI MW received information via the USMS alleging that federal inmate Jason Michael LUDKE was initiating a plot to kill an FBI Agent who had been associated with his case. The lead information further indicated that LUDKE was attempting to orchestrate the murder of the FBI agent by enlisting the assistance of other fellow inmates to send letters out of the jail for him and make phone calls to outside parties for him, with the aim of convincing outside parties to utilize social media to arrange for the homicide of the FBI undercover agent who had worked to get LUDKE and PADILLA-Conde arrested.

7. On June 15, 2017, I took possession of two letters—provided to the MW JTTF by AUSA Paul Kanter of the ED/WI USAO—allegedly written by USMS detainee and federal defendant Jason Michael LUDKE, which LUDKE had passed to K.A., a fellow inmate at the Dodge County Detention Facility (DCDF). According to K.A., LUDKE asked him to send the letters to someone on the outside on LUDKE's behalf. Instead, K.A. turned the letters over to his attorney, who subsequently sent the two letters from LUDKE to AUSA Kanter. The letters were received by the U.S. Attorney's Office on June 12, 2017.

8. A review that I conducted of the above described letters revealed that their contents corroborate lead information provided to the MW JTTF. Specifically, the letters include claims that "Muhammad 'Abuz Sayyaf' and Saadiq were busted" because "a fake Muslim online" had "set them up." Both letters include a name for the targeted undercover agent and state to the reader: "You know what to do." The letters further instruct the reader to destroy his/her phone and sim card after receiving the letter. One of the letters bears the signature of "Abu Sayyaf" and is dated January 20, 2017.

9. The MW JTTF has obtained an audio recording verified to have captured a conversation between inmate Jason LUDKE and a face-to-face visitor, which occurred at the DCDF on September 6,

2017. DCDF jail video monitoring on the date and at the time of the above referenced conversation, which I have personally viewed, confirms that LUDKE was the inmate in the above referenced recording.

10. Although LUDKE and the visitor use coded language during the conversation, it is apparent that they are discussing a plan to kill the undercover FBI agent referenced in LUDKE's letters. After reviewing the audio recording described above, I note the following relevant statements made by LUDKE during the conversation: LUDKE provides the visitor with what he describes as a "cover name" and a "real name" for the undercover FBI agent. In response to the visitor's request for a better description of the job, LUDKE states that his "brother in Waukesha" had talked to the undercover agent via Skype for a couple months. LUDKE states that his brother in Waukesha can provide a physical description of the undercover agent to the visitor. LUDKE promises to reach out to his brother, stating "I'll write him today ... my brother should get that letter Friday ... I'll just give him all same info, tell him to put you on visiting list." LUDKE instructs his visitor to "give him my name, 'Abuz Sayyaf.'"

11. Pursuant to a MW JTTF request for cursory screening of outgoing mail items that potentially relate to the ongoing investigation, on September 8, 2017, DCDF jail administration notified me of the existence of the first-class letter addressed to "Yosvany Padilla Conde" at the Waukesha County Jail, which lists the sender's name as "Kevin Grady." DCDF jail administration confirmed that there has never been an inmate by the name of "Kevin Grady" at the facility, and the use of "Kevin Grady" was also consistent with LUDKE's earlier efforts to send mail from the jail that is not linked to his name, i.e. the letters given to K.A. referenced above.

12. On September 13, 2017, I obtained a criminal Search and Seizure Warrant, issued by U.S. Magistrate Judge David Jones of the United States District Court, Eastern District of Wisconsin (EDWI),

at Milwaukee, relating to the above-described first-class letter. On September 14, 2017, the letter to be searched was obtained by the MW JTTF from DCDF administration, and the search warrant was subsequently executed. The contents of said letter confirmed that the letter had been written and sent by LUDKE to PADILLA-Conde and included evidence directly relating to the violations of federal law outlined in paragraph 2, above. Specifically, LUDKE advised PADILLA-Conde to meet with the same face-to-face visitor referenced in paragraphs 9 and 10 above, whom LUDKE states will assist them in locating the undercover agent who set them up. LUDKE also instructed PADILLA-Conde not to accept any plea bargain, because the undercover agent "will not appear at our jury trial...if the brother can find him on our behalf."

13. On July 10, 2018, pursuant to a MW JTTF request for cursory screening of mail items potentially related to the ongoing investigation, the MW JTTF was notified by the Waukesha County Jail administration that a first-class letter had arrived for inmate Yosvany PADILLA-Conde which listed its sender as Jason LUDKE. This letter is more particularly described in paragraph 4, above, as the property to be searched. I have requested that the jail administrator secure and hold said letter while the MW JTTF seeks legal process for a search of its contents.

IV. CONCLUSION

14. Based on the foregoing, your affiant believes there is probable cause that criminal evidence relating to commission of the offenses in violation of Title 18, United States Code, Sections 373 (solicitation to commit a crime of violence); 1114 (attempt to kill a federal law enforcement officer on account of the performance of official duties) and 1513(e) (retaliation against a witness) is contained within the contents of the above described letter from Jason LUDKE and addressed to Yosvany PADILLA-Conde, which is currently located at the Waukesha County Jail.

15. Your affiant is requesting to be allowed to open said letter, search its contents, and seize it for evidentiary purposes relevant to the ongoing criminal investigation.

16. Your affiant is further requesting, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to delay notice until 180 days after the collection authorized by the warrant has been completed. There is reasonable cause to believe that providing immediate notification of the warrant will have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice would seriously jeopardize the ongoing investigation, as such a disclosure would give LUDKE an opportunity to destroy evidence, change patterns of behavior, and notify confederates. *See* 18 U.S.C. § 3103a(b)(1).

ATTACHMENT A

Jason M. Lüdke, BK# 2017031075
POB: 48-35 DOB: 11-29-1960
Milwaukee County Jail
949 W. 9th St,
Milwaukee, WI
53233

MILWAUKEE WI 530
05 JUL 2018 PM 5:1



Yosvany Padilla - Conde
c/o Waukeshu County Jail
P.O. Box 0217
Waukeshu, WI

53187-021717

53188
05 JUL 2018 PM 5:1